

## COMMENTARY

# RESPONSE TO TOUGH TEACHING: THE 2% SOLUTION

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From its inception in 1975, modern special education seems to have forced us to concentrate on percentages, and not always for clearly useful purposes. For example, when Congress was considering Public Law 94-142 thirty years ago, lawmakers naturally wanted to know the number of students with disabilities. Congress cared mostly about cost, and to estimate cost, it needed to know the percentages. So the history of public policy in special education that followed reflects guesses about prevalence and has never reflected much about incidence, or how many new kids with disabilities will appear each year and, more important, why.

For example, professionals and researchers once suggested that about 6% or 7% of all students had serious emotional disturbance (SED). Congress thought about the cost, and then thought otherwise. As a result, Congress created a 2% solution, and then wrote the law in a way that discouraged identification of students with SED. Schools must obviously also have seen the fiscal wisdom in fewer identifications of such expensive students because they have never identified as many as 2% of all students as SED. This 2% solution pops up repeatedly in special education.

In 1975, most professionals also figured that the prevalence of students with mental retardation was about 2%. Again, we glossed over the difference between counting and *accounting* for the percentage of students with disabilities. In this case, we wanted to know the percentage of students from various ethnic minority groups who should or should not be identified as having disabilities and, therefore, receive special education. That is, how *proportional* (or *disproportional*) to population percentages minority students should be as a percentage of special education enrollments. On one hand, we want to acknowledge the effects of poverty and disadvantage and developmental risk but, on the other hand, we want to think that distribution of disabilities should be inherently just. The argument cannot be resolved without making some heroic assumptions about the etiology and epidemiology of disabilities. We have managed to think up various creative ways of measuring proportion, though, and the students of concern in this debate tend not to do very well in school, which means that teachers tend to find them difficult to teach effectively.

Congress also heard few reliable predictions of the percentage of students with learning disabilities in 1975. Ultimately, the opinion that prevailed assumed that perhaps 1%-2% of students had specific learning disabilities. Imagine everyone's surprise in the early 1980s when that prevalence estimate looked more like 5%. Schools, many argued, must be identifying them incorrectly, or didn't understand how to do it, or else were, for some inexplicable reason, subverting the law, despite the obvious irrationality of such behavior in that schools end up paying the lion's share of special education costs.

It's worth mentioning in passing that large-scale efforts to implement multitiered instruction as an alternative approach to identifying students with learning difficulties have found a residual of non-responsive students very close to 5% of the population, even after expending an average 150 hours of instruction. The similarity between this instructional residual as a population percentage and the average national percentage of students identified as having learning disabilities could be mere coincidence. Who knows?

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The latest concern about special education percentages sure to occupy everyone's attention stems from the testing mandate in No Child Left Behind and the disaggregated evaluation of resulting test scores for students with disabilities. NCLB permits schools to exclude 1% of their students who have the most severe cognitive impairments. It isn't clear how or why severe cognitive impairment was estimated at 1%; nonetheless the problem popped up.

If our history of percentages to date hasn't confused – or bemused – there's more. Secretary of Education Margaret Spellings recently announced some flexibility in federal NCLB policy regarding the disaggregated special education population. Her new initiative would permit schools to evaluate yearly progress for – you guessed it – 2% of their scores against alternative standards. Specifically, Secretary Spellings recently told elementary school principals that

... new scientific research has shown that some students with *persistent academic disabilities* [emphasis added] can make substantial progress toward grade-level achievement given the right instruction and assessments along with more time. About 2 percent of all students fit this description. (Remarks to the National Association of Elementary School Principals, Baltimore, MD, April 18, 2005)

It is unclear to me how Secretary Spellings came to this 2% solution and learned of this new category of students, those with PAD ("persistent academic disabilities"). However, the 2% solution appeared suspiciously like the *low* range of the percentage of students who have been reported to be "unresponsive" to intensive teaching in some large-scale studies of early reading skills.

Also unclear to me is what percentage of students *actually* falls into this new gray zone between those who can and should take state-mandated tests and those who, because of significant cognitive impairments, should not. Clearly, though, many people will now be interested in how one gets into – or out of – that zone. Schools have an obvious interest in policies that are more forgiving when they have achieved well for all of their students except for those with disabilities. However, many advocates will worry that permitting schools this leeway will only encourage its use – and misuse – to the detriment of students with disabilities. Of course, we can hope that we will be able to avoid spilling a great deal of ink trying to determine *precisely* which students *have* this newest type of disability, PAD. Alternatively, we could resist debate about this particular 2% solution and turn our attention to more effective professional education and development in support of teaching students whom teachers accurately perceive as difficult to teach.